

REMARKS

In the Office Action, claims 34, 35, 40, 41 and 63 were rejected under 35 U.S.C. §102(b) as being anticipated by Vinson (U.S. Pat. No. 2,526,099). Claims 34-56 and 61-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kovach et al. (U.S. Pat. No. 2,951,641) in view of Vinson. Claims 58 and 59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kovach et al. in view of Vinson, further in view of the applicant's own admission of prior art. Claims 57-59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kovach et al. in view of Vinson, further in view of Chamot et al. (U.S. Pat. No. 6,257,493).

The basis for the amendment to claim 34 is found specifically at paragraphs [63] to [69], [81] and [89] of the specification.

In this regard, there has previously been some confusion on what is controlling the flow of liquid to the second cold liquid entry port. It is clear from the description that the flow control means simply alters the proportion of hot and cold flow introduced into the mixing chamber (in reaction to the temperature sensing device) and in reality it is the relative movement and hence positioning of the distributing members which determines whether cold water is channeled to the second cold liquid entry port. The amendments to claim 34 clarify this point.

In this connection, the Examiner has argued in the outstanding Office Action that features of the invention have been relied upon which are different but not claimed. The above amendment also seeks to clearly distinguish the claimed arrangement over the disclosures of the prior art, in particular Vinson.

More specifically, as the Examiner has acknowledged, Vinson requires a separate second handle to introduce the additional cold water downstream of the temperature sensing means. This is not so in the arrangement now claimed in claim 34, where use of a single lever to operate the distributing members serves to both control the proportions of hot and cold liquid to a hot liquid entry port and a first cold liquid entry port, and also control cold liquid flow to a second cold liquid entry port.

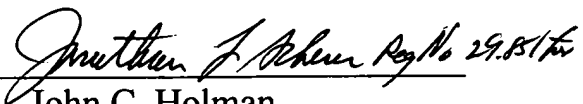
This arrangement is not disclosed or suggested in Vinson, Kovach, or the newly cited Kline. With the present invention, a user simply moves one lever, and the internal workings of the claimed device ensure the already “safe” mixed liquids are further cooled. This is quite different from the arrangements of the prior art.

Based on the foregoing amendments and remarks, it is respectfully submitted that the present application should now be in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, she is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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